

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Samuel T. Wiggins,

Plaintiff,

vs.

Strom Law Firm; Pete Strom; Does 1-10,

Defendants.

Civil Action No. 3:24-cv-3363-CMC

ORDER

This matter is before the court on Plaintiff's Complaint. ECF No. 1. He claims defamation by the Strom Law Firm on its website and blog. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), D.S.C., the matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings.

On June 7, 2024, the Magistrate Judge issued a Report and Recommendation ("Report") recommending Plaintiff's Complaint be dismissed for lack of subject matter jurisdiction. ECF No. 7. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed a motion for injunction (ECF No. 9) and objections to the Report (ECF No. 12).

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

The Report recommends Plaintiff's Complaint be dismissed because there is no subject matter jurisdiction – Plaintiff did not allege a federal question and the parties are not diverse. ECF No. 7 at 5-6.

Plaintiff first filed a motion for injunction. ECF No. 9. Plaintiff then filed objections to the Report, noting he thought this court's address was the address of the state court, and did not intend to file this motion in federal court. ECF No. 12. He asked to "remove my suit and make sure I am not charged any filing fees nor charge me with any of my three strikes as that limits me to file in the future in federal court." *Id.* at 1-2. He requested the Clerk sent forms for § 2241 and § 2255 motions. *Id.* at 2.

After considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge and Plaintiff's motion and objections, the court agrees with the Report's recommendation the matter should be dismissed. Plaintiff also requests the same. Accordingly, the court adopts the Report by reference in this Order. This matter is hereby summarily dismissed without prejudice. Plaintiff's pending motion (ECF No. 9) is dismissed as moot. The Clerk is directed to send forms for § 2241 and § 2255 motions to Plaintiff as requested.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
June 25, 2024